

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 132 of 2006

PURSHOTTAM LAL
V/S
PARSHU RAM

Mr. RK SINGHAL, for the appellant / petitioner

Date of Order : 7.11.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the appellant, and perused the impugned judgments, and the record of the learned courts below.

Of course, the learned trial court had dismissed the suit, and the learned lower Appellate Court has re-appreciated the entire evidence thread bare, and has also considered the pleading of the parties afresh, and found that the version of the plaintiff is more reliable, and the story propounded by the defendant suffers from inherent falsity, and has therefore, not believed that version. So much so that it has also been considered that the defendant in the written statement has pleaded that he has closed the shop in the year 1994, and is not living in that village at all. As against this it has been found from the evidence

that even according to the defendant himself he has got the license cancelled in the year 1997, and has also considered that there is no bad relation between the parties, and that from the totality of circumstances, it is established that the version of the defendant is contradictory, and that of the plaintiff is consistent, and has thus believed the plaintiff's version.

In my view, the findings are pure findings of fact, and do not require any interference in my appellate jurisdiction. The appeal is, therefore, dismissed summarily.

(N P GUPTA), J.

/Sushil/